

APPENDIX A

CONCURRENCY MANAGEMENT  
SYSTEM

## **APPENDIX A**

### **Goals, Objectives & Policies**

#### **SUMTER COUNTY CONCURRENCY MANAGEMENT SYSTEM**

**REQUIREMENT and PURPOSE** - Florida's 1985 Growth Management Act mandates that all local government comprehensive plans require that 'public facilities and services needed to support development shall be available concurrent with the impacts of such development'. Pursuant to this mandate, policies throughout the Sumter County Comprehensive Plan require that the issuance of development permits be contingent upon the availability of public facilities and services at the levels of service adopted in the plan. To successfully implement this requirement, the following review and monitoring standards and procedures are established as Sumter County's Concurrency Management System.

**DEFINITIONS** - For purposes of the concurrency management system, these words/terms shall have the following meanings:

**Concurrency** means a condition whereby the impacts of a development project do not reduce the level of service on required public facilities and services below the standard adopted in the Sumter County Comprehensive Plan.

**Development Approval** shall mean county approval of a development where such approval stops short of actually granting the developer the right to begin physical construction of a project. Such development approval may include, but is not necessarily limited to, rezoning and subdivision/Planned Unit Development preliminary or master plan approval.

**Development Permit** shall mean county approval of a project which includes the right to construct actual physical improvements. Such development permit may include, but is not necessarily limited to, site plan approval, building permit, subdivision or Planned Unit Development engineering plan approval and Development Orders for Developments of Regional Impact.

**Concurrency determination** shall mean the County's evaluation of a project for concurrency, whether as part of the review of an application for development approval or simply at the request of a developer.

**Certificate of Concurrency** shall mean a certificate issued by the County, along with a development permit, that indicates that, as of the date of the Certificate, a

determination has been made that concurrency will be met for all required public facilities and services.

**PUBLIC FACILITIES AND SERVICES FOR WHICH CONCURRENCY IS REQUIRED** - A concurrency test will be made of the following public facilities and services, for which level of service standards have been established in the Plan:

1. Roads
2. Potable Water
3. Sanitary Sewer
4. Solid Waste
5. Drainage
6. Recreation

**CONCURRENCY STANDARDS** - To be determined concurrent, a project shall not lower the existing levels of service of public facilities and services below the adopted levels of service in this Plan. A project will be deemed concurrent if one of the following standards is met:

1. The necessary public facilities and services are in place, or under construction, at the time a development permit is issued;
2. The development permit is issued subject to the condition that the necessary public facilities and services will be in place concurrent with the impacts of the development;
3. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the impacts of development;
4. The necessary public facilities and services are included in the County's adopted five-year Capital Improvements Program, as provided below, and are projected to be available concurrent with the impacts of development:

- a. The five-year Capital Improvements Program and the Capital Improvements Element of the Sumter County Comprehensive Plan is a realistic, financially feasible program based on currently available revenue sources.
  - b. The five-year Capital Improvements Program includes improvements necessary to correct any identified facility deficiencies and maintain adopted levels of service for existing and permitted development.
  - c. The five-year Capital Improvements Program identifies whether funding is for design, engineering, consultant fees, or construction and indicates, by funded year, how the dollars will be allocated.
  - d. The five-year Capital Improvements Program identifies the year in which actual construction or provision of public facilities and services projects will occur and only those projects scheduled for completion within the first three (3) years of the five-year program will be utilized for concurrency determination.
  - e. A plan amendment will be required in order to eliminate, defer or delay construction of any public facilities and services which is needed to maintain the adopted level of service standards.
5. The necessary roadway facilities are included in the adopted five-year work program of the Florida Department of Transportation, as provided below, and are projected to be available concurrent with the impacts of development:
- a. The five-year work program identifies the year in which actual construction or provision of roadway projects will occur and only those projects scheduled for completion within the first three (3) years of the five-year program will be utilized for concurrency determination.
  - b. A plan amendment will be required in order to eliminate, defer or delay construction of any roadway project which is needed to maintain the adopted level of service standards.

## **CONCURRENCY DETERMINATION**

- 1. Sumter County will provide level of service information for all required public facilities and services as set forth in the Sumter County Comprehensive Plan 1991-2001.
- 2. General Concurrency Test - In general, the concurrency test for public facilities and services will compare the public facility capacity needs of a proposed development to the available capacity of public facilities. The following 'capacity accounting' sequence shall be used:

Step A		Current Capacity
	+	<u>Programmed Capacity (at time of impact of development)</u>
	=	Total Capacity

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Step B		Total Capacity
	-	Current Demand
	-	Capacity Reserved, But Not Yet Used (development permits,
		<u>vested development)</u>
	=	Capacity Available for New Development

Step C:		Capacity Available for New Development
	-	<u>Capacity Required for Specific Applicant *</u>
	=	Surplus (Concurrent) or Deficit (Not Concurrent)

\* Any proposed project generating more than 500 vehicle trips a day will be required to provide a trip distribution model.

- a. If the concurrency test information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service is available at the date of determination.
  - b. If the concurrency test indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service is not available at the date of determination.
3. Alternative Concurrency Test for Roadways - If the preliminary level of service information indicates a level of service failure, the developer has the alternative of preparing a more detailed Highway Capacity Analysis as outlined in the Highway Capacity Manual, Special Report 209 (1985) or a Speed and Delay study following the procedures outlined by the Florida Department of Transportation, Traffic Engineering Office, in its Manual for Uniform Traffic Studies, subject to the following:
- a. If the developer chooses to do a more detailed analysis, the following procedures will be followed:

- 1) Department staff will provide the developer with the acceptable methodology for preparing the alternative analysis.
  - 2) The developer will submit the completed alternative analysis to Department staff for review.
  - 3) Department staff will review the alternative analysis for accuracy and appropriate application of the methodology.
- b. If the alternative methodology, after review and acceptance by the Department staff, indicates an acceptable level of service where the comprehensive plan indicates a level of service failure, the alternative methodology will be used as follows:
- 1) If at the application for development approval stage - to obtain a Concurrency Determination-Roadways. This is a non-binding determination that adequate roadway facility capacity and level of service are available at date of application approval.
  - 2) If at the application for development permit stage - to obtain a Certificate of Concurrency-Roadways.

**CONCURRENCY MANAGEMENT PROCEDURES** - In response to the need to ensure concurrency, Sumter County shall take the following actions:

1. The Sumter County Planning & Zoning Department (Department), in cooperation with the Sumter County Public Works Department, shall establish systems and procedures for monitoring capacity and levels of service for all required public facilities and services, and for review of all proposed development for concurrency. Such measures shall include:
  - a. Monitoring - All required public facilities and services shall be routinely monitored for current capacity, use and level of service.
  - b. Concurrency determination:
    - 1) By request to the Department, a developer may determine if there is sufficient capacity to accommodate his project. The Department shall make an informal non-binding determination of where there appears to be sufficient capacity in public facilities and services to satisfy the demands of the proposed project, and where there appears to be insufficient capacity.

- 2) At time of application for development approval, the Department shall make a determination of what public facilities and services are currently available for a project. This is a non-binding determination to be used for planning purposes only.
  - 3) The Department shall make a concurrency determination for any proposed amendment to the Future Land Use Element.
  - 4) All concurrency determinations shall be done in writing, in a timely manner, with findings of deficiencies explained in detail.
- c. Certificate of Concurrency - The Department will review all applications for development permits, and if a project is deemed concurrent, shall issue a Certificate of Concurrency together with said permit, subject to the following:
- 1) The Certificate of Concurrency will remain in effect for the same period of time as the development permit for which it was issued. If the development permit does not have an expiration date, the Certificate will be valid for one (1) year from date of issuance.
  - 2) One Certificate of Concurrency will be issued for development permits which include two or more structures. Therefore, individual building permits in a subdivision will not require separate Certificates of Concurrency.
  - 3) Certificates of Concurrency only represent the availability of facilities and services and do not represent or give claim to overall development approval.
  - 4) A Certificate of Concurrency reserves to the project, for the life of the Certificate, the public facilities and services capacities necessary to ensure concurrency at time of the projects impact.
  - 5) If an application for a development permit is not concurrent, the applicant will be notified in writing, in a timely manner, with findings of deficiencies explained in detail, why a Certificate of Concurrency and a permit can not be issued. The burden of showing compliance with the adopted level of service and meeting the concurrency test will be upon the applicant. The Department will direct the applicant to the appropriate staff for guidance in the preparation of the necessary documentation and information. After denial, applications for development permits may be re-filed at any time.
2. By March 1, 1992, Sumter County shall amend its land development regulations to support this management plan and further ensure that development permits will

only be issued when public facilities and services at adopted level of service are available concurrent with the impacts of development.

3. By March 1, 1993, Sumter County shall have a computer based monitoring system in place to support the adopted Concurrency Management System. This will better enable the County to determine whether adopted levels of service and scheduled capital improvements are being adhered to, and ensure acceptable monitoring of the availability of public facilities and services.

#### **CONSTRAINTS AND ADJUSTMENTS TO FACILITY CAPACITIES**

1. No project shall be allowed more than fifty percent (50%) of the existing excess capacity of a facility or service.
2. Capacities for vested developments may be reserved at less than one hundred percent (100%), but not less than seventy-five percent (75%).

#### **EXCEPTIONS TO CONCURRENCY REQUIREMENT**

1. Those developments having statutory or common law vested rights at time of adoption of the Comprehensive Plan shall be exempt from concurrency requirements for issuance of development permits.